UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS

P O Box 1450 Alexandria, Virgima 22313-1450 www.uspto.gov

DATE MAILED: 12/01/2009

NOTICE OF ALLOWANCE AND FEE(S) DUE

45160 7590 12/01/2009 WOODCOCK WASHBURN LLP CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET

PHILADELPHIA, PA 19104-2891

EXAMINER
CHEN, SHIN LIN
ART UNIT PAPER NUMBER

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.		
10/789,400	02/27/2004	Peter L. Collins	NIHB-2428	5376		
TITLE OF INVENTION: RECOMBINANT HUMAN METAPNEUMOVIRUS AND ITS USE						

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	03/01/2010

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION NOT THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FIEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: Mail Commissioner for Patents P.O. Box 1450 Alexandria, Virginia 22313-1450

or Fax (571)-273-2885

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where

appropriate. All further indicated unless correct maintenance fee notifica	correspondence includir ed below or directed of tions.	ng the Patent, advance o herwise in Block 1, by (
CURRENT CORRESPONDENCE ADDRESS (Note: Use Block I for any change of address)					Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.				
45)60 7590 120012009 WOODCOCK WASHBURN LLP CIRA CENTRE, 12TH FLOOR 2929 ARCH STREET					Certificate of Mailing or Transmission I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPIO (571) 273-2885, on the date indicated below.				
PHILADELPHI	A, PA 19104-2891							(Deposit	tor's name)
									(Signature)
				Ш					(Date)
APPLICATION NO.	FILING DATE		FIRST NAMED INVEN	NTOR ATTORNEY DOCKET		RNEY DOCKET NO.	CONFIRMATION	v NO.	
10/789,400 TITLE OF INVENTION	02/27/2004 T: RECOMBINANT HU	MAN METAPNEUMOV	Peter L. Collins TRUS AND ITS USE				NIHB-2428	5376	
APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE D	UE	PREV. PAID ISSUE	S FEE	TOTAL FEE(S) DUE	DATE DU	Æ
nonprovisional	NO	\$1510	\$300		\$0		\$1810	03/01/20	10
EXAM	INER	ART UNIT	CLASS-SUBCLASS	3	٦				
	HIN LIN	1632	424-093200						
1. Change of correspond CFR 1.363). Change of correspond of corresponders from PTO/S Fee Address from PTO/SB/47; Rev 03- Number is required 3. ASSIGNEE NAME A	registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is 3 listed, no name will be printed.								
(A) NAME OF ASSI	GNEE	ified below, no assignee pletion of this form is NO r categories (will not be p	(B) RESIDENCE: (C	CITY:	and STATE OR C	OUNT	RY)		
						_			criment
4a. The following fee(s) are submitted: Issue Fee Publication Fee (No small entity discount permitted) Publication Fee (No small entity discount permitted) Advance Order - # of Copies Publication Fee (No small entity discount permitted) The Director is hereby authorized to charge the required fee(s), any deficiency, or credit an overpayment, to Deposit Account Number (enclose an extra copy of this f					any s form).				
	ns SMALL ENTITY state	us. See 37 CFR 1.27.					FITY status. Sec 37 Cl		
NOTE: The Issue Fee ar interest as shown by the	d Publication Fee (if req records of the United Sta	uired) will not be accepte ites Patent and Trademark	d from anyone other the Office.	han th	e applicant; a regi	stered.	attorney or agent; or th	e assignee or other	r party in
Authorized Signature Date									
Typed or printed name					Registration N				
This collection of inform an application. Confider submitting the complete this form and/or suggest Box 1450, Alexandria, V Alexandria, Virginia 22:	nation is required by 37 C tiality is governed by 35 d application form to the ions for reducing this bu /irginia 22313-1450. DO 313-1450.	CFR 1.311. The information of U.S.C. 122 and 37 CFR to USPTO. Time will vary rden, should be sent to the D NOT SEND FEES OR	on is required to obtain 1.14. This collection is depending upon the eChief Information O COMPLETED FORM	or re is estin individual officer IS TO	tain a benefit by the mated to take 12 r dual case. Any co y, U.S. Patent and THIS ADDRESS	he pub minuter mment Trader	ic which is to file (and to complete, includin s on the amount of tir nark Office, U.S. Dep D TO: Commissioner	by the USPTO to g gathering, prepa gou require to utment of Comme for Patents, P.O. B	process) ring, and complete rce, P.O. sox 1450,

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE United States Patent and Trademark Office Address: COMMISSIONER FOR PATENTS

PO Box 1450 Alexandria, Virgima 22313-1450 www.uspto.gov

APPLICATION NO	Э.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/789,400	•	02/27/2004	Peter L. Collins	NIHB-2428	5376
45160	7590	12/01/2009		EXAM	UNER
WOODCOCK WASHBURN LLP		CHEN, SHIN LIN			
CIRA CENTE		FLOOR		ART UNIT	PAPER NUMBER
2929 ARCH S PHILADELP		9104-2891		1632 DATE MAII ED: 12/01/200	9

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 97 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 97 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (http://pair.uspto.gov).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability

Application No.	Applicant(s)	
10/789,400	COLLINS ET AL.	
Examiner	Art Unit	
Shin-Lin Chen	1632	

- The MAILING DATE of this communication appears on the cover sheet with the correspondence address- il claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included erewith for previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. THIS OFFICE OF ALLOWABLITY IS NOT A GRANT OF PATENT RIGHTS. This application is subject to withdrawal from issue at the initia the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.					
 This communication is responsive to <u>the amendment filed 11-3-09</u>. 					
 The allowed claim(s) is/are <u>1,3-6,15,16 and 58</u>. 					
Acknowledgment is made of a claim for foreign priority under 35 U a A b Some* c) None of the: Certified copies of the priority documents have been re 2. Certified copies of the priority documents have been re 3. Copies of the certified copies of the priority documents have been re 3. Copies of the certified copies of the priority documents International Bureau (PCT Rule 17.2(a)). *Certified copies not received: Applicant has THREE MONTHS FROM THE "MAILING DATE" of this conoted below. Failure to timely comply will result in ABANDONMENT of this THIS THREE-MONTH PERIOD IS NOT EXTENDABLE. A SUBSTITUTE OATH OR DECLARATION must be submitted. Not INFORMAL PATENT APPLICATION (PTO-152) which gives reason (a) including changes required by the Notice of Draftsperson's Patt 1) hereto or 2 in Paper No./Mail Date (b) including changes required by the attached Examiner's Amend Paper No./Mail Date (b) including changes required by the attached Examiner's Amend Paper No./Mail Date (b) including changes required by the attached Examiner's Amend Paper No./Mail Date (b) including changes required by the attached Examiner's Amend Paper No./Mail Date (b) including changes required by the attached Examiner's Amend Paper No./Mail Date (b) including changes required by the attached Examiner's Amend Paper No./Mail Date (b) including changes required by the attached Examiner's Amend Paper No./Mail Date (b) including changes required by the attached Examiner's Amend Paper No./Mail Date (b) including changes required by the attached Examiner's Amend Paper No./Mail Date (b) including changes required by the attached Examiner's Amend Paper No./Mail Date (b) including changes required by the attached Examiner's Amend Paper No./Mail Date (b) including changes required by the attached Examiner's Amend Paper No./Mail Date (b) including changes required by the attached Examiner's Amend Paper No./Mail Date (b) including changes required by the Attached Examiner's Amend Paper No./Mail Date (b) including changes required by the Attac	ceived. ceived in Application No have been received in this national stage application from the seminarized in the national stage application from the seminarized in the seminarized in the requirements his application. the the attached EXAMINER'S AMENDMENT or NOTICE OF (s) why the oath or declaration is deficient. mitted. ent Drawing Review (PTO-948) attached ment / Comment or in the Office action of could be written on the drawings in the front (not the back) of raccording to 37 CFR 1.121(d). DLOGICAL MATERIAL must be submitted. Note the				
Attachment(s) 1. Notice of References Cited (PTO-892) 2. Notice of Draftperson's Patent Drawing Review (PTO-948) 3. Information Disclosure Statements (PTO/SB/08), Paper No./Mail Date 5:29-09 4. Examiner's Comment Regarding Requirement for Deposit of Biological Material	5. Notice of Informal Patent Application 6. Interview Summary (PTO-413), Paper No. Mail Date 7. Examiner's Amendment/Comment 8. Examiner's Statement of Reasons for Allowance 9. Other				
/Shin-Lin Chen/ Primary Examiner Art Unit 1632					

Application/Control Number: 10/789,400

Art Unit: 1632

An examiner's amendment to the record appears below. Should the changes and/or
additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR
 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the
payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Maurice Valla on 11-20-09.

The application has been amended as follows:

In the claims:

Claim 59 has been canceled.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shin-Lin Chen whose telephone number is (571) 272-0726. The examiner can normally be reached on Monday to Friday from 9:30 am to 6 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Peter Paras can be reached on (571) 272-4517. The fax phone number for this group is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to (571) 272-0547.

Patent applicants with problems or questions regarding electronic images that can be viewed in the Patent Application Information Retrieval system (PAIR) can now contact the USPTO's Patent Electronic Business Center (Patent EBC) for assistance. Representatives are available to answer your questions daily from 6 am to midnight (EST). The toll free number is (866) 217-9197. When calling please have your application serial or patent number, the type of document you are having an image problem with, the number of pages and the specific nature of

Application/Control Number: 10/789,400 Page 3

Art Unit: 1632

the problem. The Patent Electronic Business Center will notify applicants of the resolution of the problem within 5-7 business days. Applicants can also check PAIR to confirm that the problem has been corrected. The USPTO's Patent Electronic Business Center is a complete service center supporting all patent business on the Internet. The USPTO's PAIR system provides Internet-based access to patent application status and history information. It also enables applicants to view the scanned images of their own application file folder(s) as well as general patent information available to the public.

For all other customer support, please call the USPTO Call Center (UCC) at 800-786-9199.

Shin-Lin Chen, Ph.D. /Shin-Lin Chen/ Primary Examiner Art Unit 1632